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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/712,539	HORLANDER, KARL FRANCIS	
	Examiner	Art Unit	
	Paulos M. Natnael	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 January 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20,22-25 and 29-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20,22-25 and 29-36* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims **1-20, 22-25, 29-36** are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In Claims **1, 10, 19, and 30,** the newly added phrases "used for determining", "information for determining the display formats available for recording", and "information for determining the picture resolution formats available for recording", respectively, are new matter. If Applicant contends that it is not new matter, specific location, i.e., page #, line #, etc., should be pointed out.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims **10-14** are rejected under 35 U.S.C. 102(e) as being anticipated by Kanota et al., U.S. Pat. No. 5,991,500.

Considering claim 10, Kanota discloses all claimed subject matter, note;

a) the claimed method of receiving said signal including video image information and copy protection information associated with one of a plurality of display formats is met by the input to Reproducing Signal Processor 23, FIG. 23, which is assumed to include a copy protection information." (Col.11, lines 62-64)

b) the claimed decoding said copy protection information in the received signal, is met by Copy Protection Info Detection Unit 25, FIG. 23. (See col. 12, lines 5-9)

c) the claimed adaptively selecting a format for displaying said video image information on a display in response to said decoded copy protection information is met by the disclosure that "depending upon the format of the video signal (e.g. NTSC, PAL, HD, etc.), the particular line intervals in which S_sub_1 and S_sub_2 are superposed may vary." (Col. 9, lines 64-66);

d) the claimed processing said video image information using said selected display format is met by the encoder 27 (fig.23);

e) the claimed "wherein said copy protection information comprises data used for determining display formats available for at least one of recording said video image information, and reproducing said recorded video image information is met by the disclosure that "Upon detecting the status of the copyright information and copy generation signals, copy protection detector 25 supplies suitable status indications to control unit 26 which, in turn, controls encoder 27 to supply to mixer 28 updated, or new copyright signals which are detected by copy protection 25 are regenerated and supplied to mixer 28 to be superposed onto the appropriate line intervals of the video signal...and control unit 26 is responsive to the detected copy protection information to control encoder 27 to supply to mixer 28 copyright information and copy generation signals S1 and S2 of appropriate states." (Col. 12, lines 24-40)

Considering claim **11**, the claimed wherein selection of said display format is in response to said decoded copy protection information determining user entitlement to select one of said plurality of available display formats.

Regarding claim 11, see rejection of claim 10(C).

Considering claim **12**, the claimed wherein said display format is one of: I) a standard definition format; and ii)a high definition format is met by the disclosure of "depending upon the format of the video signal (e.g. NTSC, PAL, HD, etc.), the particular line intervals in which S_sub_1 and S_sub_2 are superposed may vary." (Col. 9, lines 64-66);

Considering claim **13**, the claimed further comprising the step of recording said video image information in a format determined by said decoded copy protection information on a recording medium is met by recording signal processor 11 and recording head 12 and magnetic medium 13, Fig.21;

Considering claim **14**, the claimed further comprising the step of reproducing said recorded video image information in said format determined by said decoded copy protection information on a display is met by the reproducing signal processor 23, FIG.23.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims **1-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bestler et al., U.S. Pat. No. 5,680,457 in view of Shah-Nazaroff et al., U.S. Patent No. 6,157,377.

Considering claim **1**, Bestler et al. discloses the following claimed subject matter, note;

a) the claimed method of receiving said signal including video image information and conditional access information associated with one of a plurality of picture resolution formats is met by Payload Crypto device 50, FIG. 3.

b) the claimed method of decoding said conditional access information in the received signal is met by CA crypto device 68, FIG.3, which is used to decrpt further CA encrypted data bytes; (col. 5, lines 23-31)

Except for;

c) the claimed adaptively selecting a picture resolution format in response to said decoded conditional access information;

d) the claimed processing said video image information using said selected picture resolution format.

e) wherein said decoded conditional access information comprises data used for determining display formats available for at least one of recording said video image information, and reproducing said recorded video image information

Regarding c) and d), Bestler doesn't specifically disclose selecting a picture resolution format in response to the decoded conditional access information and process the video image using the selected picture resolution format. However, Bestler discloses that "Depending on the desired resolution, recent advances in technology have made possible the transmission and reception of one or more digitally compressed television signals over a single 6 MHZ television channel...In accordance with the MPEG standard, the compressed digital television information may be arranged for transmission in the form of a multiplexed transport stream of fixed length MPEG packets

including, for example, video packets, audio packets and conditional access packets...." (Col. 1, lines 32-45) Bestler discloses a subscription decoder (FIG..1) in which is included a digital conditional access module (DCAM) 20. DCAM 20 operates according to the well known in the art MPEG standard using PID authorization packet, for example, as illustrated in FIG.4C.

Shah-Nazaroff et al. disclose a method and apparatus for purchasing upgraded media features for programming transmissions. Shah-Nazaroff et al. disclose that conditional access and descrambling can be done at both the broadcast center or the client system. Shah-Nazaroff et al. teach that "a viewer at client system 110 who has ordered a pay-per-view movie can pay an additional fee to receive the movie at a higher video resolution" (col. 2, lines 21-24) [emphasis added] And that "if a viewer buys an upgraded media feature to be able to record a digital broadcast signal ...an additional part of the signal can be descrambled to make the broadcast recordable." (Col. 4, lines 43-60)

Therefore, it would have been obvious to the skilled in the art at the time the invention was made to modify the system of Bestler with that of the client system 110 or the server system 140 of Shah-Nazaroff et al. in order to automatically select a picture resolution format appropriate for MPEG systems, in response to the decoded conditional access information in the DCAM and processes the data accordingly, in order to better protect the access to information.

Regarding e), see rejection of claim (c) and (d).

Considering claim **2**, the claimed wherein selection of said picture resolution format is in response to said decoded conditional access information determining user entitlement to select one of said plurality of available picture resolution formats.

Regarding claim 2, see rejection of claim 1 (c) and (d).

Considering claim **3**, the claimed wherein said picture resolution format is one of I) a standard definition format; and ii)a high definition format is met by the disclosure "digitally compressed television signals over a single 6 MHZ television channel...in accordance with international standards established by the MPEG." (Col. 1, lines 35-39)

Considering claim **4**, the claimed further comprising the step of recording said video image information in said selected picture resolution format on a recording medium.

Regarding 4), Bestler doesn't specifically disclose a recording format (high or standard definition). However, Examiner takes Official Notice here in that such recording formats (high definition or standard definition) are it is well known in the art that VCRs and other recording medium record video image information in either standard definition format or high definition format and, therefore, would have been obvious to the skilled in the art at the time the invention was made to readily recognize the teachings of the prior art and modify the system of Bestler to provide a recording medium.

Considering claim **5**, the claimed method of further comprising the step of reproducing said recorded video image information in said selected picture resolution format on a display.

Regarding claim 5), Bestler doesn't specifically disclose the step of reproducing said recorded video image information in said selected picture resolution format on a display. However, Examiner takes Official Notice here in that reproducing the recorded video image information in a selected format on a display is well known in the art, and therefore, would have been obvious to the skilled in the art .

Considering claim **6**, the claimed wherein said video image information of said received signal is transmitted as a digital signal on a first channel.

Regarding claim 6), Bestler doesn't specifically disclose receiving ancillary data transmitted on a on a first channel for controlling processing of said video image data. doesn't specifically disclose transmitting on a first channel. However, the Examiner takes Official Notice here in that the claimed method of transmitting and/or recording a video signal on first channel and transmitting and/or recording the ancillary signal on a second channel such as the line rate (1H) and twice the horizontal line (2H) is well known in the art, and therefore would have been obvious to the skilled in the art.

Considering claim **7**, the claimed method of further comprising the step of receiving ancillary data transmitted on a second channel for controlling processing of said video image data.

Regarding claim 7, Bestler doesn't specifically disclose receiving ancillary data transmitted on a on a second channel for controlling processing of said video image data. doesn't specifically disclose transmitting on a first channel. However, the Examiner takes Official Notice here in that the claimed method of transmitting and/or recording a video signal on first channel and transmitting and/or recording the ancillary signal on a second channel such as the line rate (1H) and twice the horizontal line (2H) . is well known in the art, and therefore would have been obvious to the skilled in the art .

Considering claim **8**, the claimed method of wherein said ancillary data is transmitted as an analog video signal.

Regarding claim 8, see rejection of claims 6 and 7.

5. Claim **9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Bestler et al., U.S. Pat. No. 5,680,457 in view of Nagashima et al., U.S. Pat. No. 6,275,988.

Considering claim **9**, Bestler discloses all claimed subject matter, except for, the claimed "wherein each of said plurality of picture resolution formats is associated with a respective billing rate and further comprising the step of billing a user at the billing rate associated with a selected one of said plurality of picture resolution formats";

Regarding claim 9, Bestler doesn't specifically disclose the billing method or billing rate. However, Bestler's system would have some sort of billing method and/or billing rate, because Bestler discloses that the basic object of the invention is to provide

an improved conditional access system for a subscription service such as a pay cable television system.

In that regard, Nagashima et al., discloses an image transmission apparatus for processing hierarchically encoded image information [which] includes an accounting unit for performing accounting processing in correspondence with the resolution of the image information. (See abstract) Specifically, Nagashima discloses common key cipher processing unit 113 to decipher common key coded at the transmitter, and quality information collection unit 108 that stores the requested quality (col. 36, lines 7-27)

Therefore, it would have been obvious for the skilled in the art at the time the invention was made to modify the system of Bestler to provide an accounting or billing the user at the billing rate associated with a desired picture resolution format in order to make the system more efficient to provide such the service.

6. Claims **15-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Kanota et al., U.S. Pat. No. 5,991,500.

Considering claim 15, the claimed wherein said video image information of said received signal is transmitted as a digital signal on a first channel.

Regarding claim 15), Kanota doesn't specifically disclose receiving ancillary data transmitted on a on a first channel for controlling processing of said video image data. doesn't specifically disclose transmitting on a first channel. However, the Examiner takes Official Notice here in that the claimed method of transmitting and/or recording a

video signal on first channel and transmitting and/or recording the ancillary signal on a second channel such as the line rate (1H) and twice the horizontal line (2H) is well known in the art, and therefore would have been obvious to the skilled in the art.

Considering claim **16**, the claimed method of further comprising the step of receiving ancillary data transmitted on a second channel for controlling processing of said video image data.

Regarding claim 16, Kanota doesn't specifically disclose receiving ancillary data transmitted on a on a second channel for controlling processing of said video image data. doesn't specifically disclose transmitting on a first channel. However, the Examiner takes Official Notice here in that the claimed method of transmitting and/or recording a video signal on first channel and transmitting and/or recording the ancillary signal on a second channel such as the line rate (1H) and twice the horizontal line (2H) is well known in the art, and therefore would have been obvious to the skilled in the art.

Considering claim **17**, the claimed method of wherein said ancillary data is transmitted as an analog video signal.

Regarding claim 17, see rejection of claims 16.

7. Claim **18** is rejected under 35 U.S.C. 103(a) as being unpatentable over Kanota et al., U.S. Pat. No. 5,991,500 in view of Shah-Nazaroff et al., U.S. Pat. No. 6,157,377.

Considering claim 18, Kanota discloses all claimed subject matter, except for, the claimed "wherein each of said plurality of picture resolution formats is associated with a respective billing rate and further comprising the step of billing a user at the billing rate associated with a selected one of said plurality of picture resolution formats";

Regarding claim 18, Kanota doesn't specifically disclose "herein each of said plurality of picture resolution formats is associated with a respective billing rate and further comprising the step of billing a user at the billing g rate associated with a selected one of said plurality of picture resolution formats"; However, Kanota discloses methods of preventing video signals from being copied illegally or without charging a fee. Shah-Nazaroff et al. disclose conditional access and descrambling that can be done at both the broadcast center or the client system. Shah-Nazaroff also discloses that "if a viewer buys an upgraded media feature to be able to record a digital broadcast signal ...an additional part of the signal can be descrambled to make the broadcast recordable." (Col. 4, lines 43-60)

Further, Shah-Nazaroff discloses that "a viewer at client system 110 who has ordered a pay-per-view movie can pay an additional fee to receive the movie at a higher video resolution." (col. 2, lines 21-24)

Therefore, it would have been obvious to the skilled in the art at the time the invention was made to modify the system of Kanota with Shah-Nazaroff to provide a plurality of picture resolution formats associated with a respective billing rate and of billing a user at the billing rate associated with a selected one of said plurality of picture resolution formats.

8. Claims **19-20,22,23, and 30-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al., U.S. Pat. No. 6,141,488 in view of Oguro U.S. Pat. No. 5,907,656.

Considering claim **19**, Knudson discloses the following claimed subject matter, note;

a) receiving said signal including video image information and copy protection information associated with one of a plurality of display formats is met by tuner communications, and display circuitry 38, FIG..1, which "contains circuitry for selecting a desired television channel from among the television signals provide to set-top box 34 via communications path 30..." and "may have the capability to handle copy-protected programs, so that, for example, circuitry 38 may remove copy protection from a given program." (Col.5, lines 31-54)

b) decoding said copy protection information in the received signal, wherein said copy protection information comprises information for determining the display formats available for recording said video image information is met by tuner communications, and display circuitry 38, FIG..1, which "contains communications circuitry for extracting program data from video and data signals provided to set-top box 34."

Except for;

c) adaptively selecting a display format for recording said video image information on a recording medium in response to said decoded copy protection information; and

d) processing said video image information using said selected display format.

Regarding c) and d), Knudson discloses interactive program guides that allow users to access television program listings in different display formats. Knudson et al. discloses a program guide system for recording television programs. Knudson doesn't disclose a specific display format for recording. However, different types of recording formats are well known in the art. For example, Oguro discloses that "a signal format and reproducing apparatus compatible with that format protect the copyright of recorded video and audio data against digital and analog dubbing." (See Abstract). Further, Oguro discloses that "it is an object of the present invention to provide a signal format for a recording medium adapted to protect the copyright to video and audio signals that are recorded on that recording medium." (Col. 1, lines 38-41)

Therefore, it would have been obvious to the skilled in the art at the time the invention was to modify Knudson with that of Oguro system which provides a signal format and reproducing apparatus compatible with that format in order to provide a format for recording and process the video information using the selected recording format.

Considering claim **20**, the claimed wherein selection of said recording format is in response to said decoded copy protection information determining user entitlement to select one of said plurality of available recording formats;

Regarding claim 20, see rejection of 19(c) and (d).

Considering claim **22**, the claimed further comprising the step of recording said processed video image information in said selected recording format on a recording medium.

Regarding claim 22, see rejection of claim 19(c) and (d).

Considering claim **23**, the claimed further comprising the step of reproducing said recorded video image information in said selected recording format on a display is met by television 44, FIG.1;

Claim **30** is a method claim of Claim **19** and, therefore, Claim **30** is rejected for the same reason as Claim **19**.

Considering Claim **31**, the claimed wherein selection of said resolution format is in response to said decoded copy protection information determining user entitlement to select one of said plurality of available picture formats.

Regarding claim 31, see rejection of claim 19 (c) and (d).

Claim **32** is a method claim of Claim 22 and, therefore, Claim **32** is rejected for the same reason as Claim 22.

Claim **33** is a method claim of Claim 23 and, therefore, Claim **33** is rejected for the same reason as Claim 23.

Claim **34** is a method claim of Claim **24** and, therefore, Claim **34** is rejected for the same reason as Claim **24**.

Claim **35** is a method claim of Claim 25 and, therefore, Claim **35** is rejected for the same reason as Claim 25.

Claim **36** is a method claim of Claim **29** and, therefore, Claim **36** is rejected for the same reason as Claim **29**.

9. Claims **24-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al., U.S. Pat. No. 6,141,488 in view of Tsukamoto et al. U.S. Pat. No. 5,796,828.

Considering claim **24**, Knudson discloses all claimed subject matter, except for; Wherein the copy protection information further includes information indicating a time period during which said processed video image information is able to be reproduced.

Regarding claim 24, Knudson doesn't specifically disclose indicating a time period during which said processed video image information is able to be reproduced. However, this method is well known in the art. Tsukamota et al. discloses a controlled-access broadcast signal receiving system. "Depending on the particular conditions and

circumstances, a user can be prevented entirely from accessing the selected digital video signals, given limited access to the signals, or given full access to the signals." (Col.5, lines 27-32) Further, "One access-control signal indicates that the video programming is to be erased on a certain date Y (Erase on Data Y) and the other access-control signal the No REPRO signal. Access controller 28A stores the ERASE ON DATA Y signal and the NO REPRO signal in access condition memory 29. Encipherer 22, when enabled, supplies encrypted video signals to recording/reproducing section 23A for recording on storage 40. (col. 9, lines 1-9)

Therefore, it would have been obvious to the skilled in the art to modify the system of Knudson with Tsukamota to provide Knudson the capability of either inhibiting or permitting reproduction operations, so that an access-control signal indicates the video programming would be erased on a certain time or date and, similarly, give a time period for reproduction of the image information.

Considering claim **25**, the claimed wherein said time period is set in response to said decoded copy protection information determining user entitlement to select one of said plurality of available recording formats.

Regarding claim 20, see rejection of 19(c) and (d).

10. Claim **29** is rejected under 35 U.S.C. 103(a) as being unpatentable over Knudson et al., U.S. Pat. No. 6,141,488 in view of Shah-Nazaroff et al., U.S. Pat. No. 6,157,377.

Considering claim **29**, Knudson discloses all claimed subject matter, except for, the claimed "wherein each of said plurality of picture resolution formats is associated with a respective billing rate and further comprising the step of billing a user at the billing rate associated with a selected one of said plurality of picture resolution formats";

Regarding claim 29, Knudson discloses that "Various menus and program listings screens are generated to provide ...handling the purchase of pay programming, informing the viewer of copy protection..." (col. 6, lines 23-28) further, Knudson discloses authorization for the descrambling of scrambled pay programs and circuitry 38 that is capable to handle copy-protected programs. (Col. 5, lines 47-54) Shah-Nazaroff also discloses that "if a viewer buys an upgraded media feature to be able to record a digital broadcast signal ...an additional part of the signal can be descrambled to make the broadcast recordable. (Col. 4, lines 43-60) Further, Shah-Nazaroff discloses that "a viewer at client system 110 who has order a pay-per-view movie can pay an additional fee to receive the movie at a higher video resolution" (col. 2, lines 21-24)

Therefore, it would have been obvious to the skilled in the art at the time the invention was made to modify Knudson with Shah-Nazaroff's system of billing for higher video resolution to provide a plurality of picture resolution formats associated with a respective billing rate and of billing a user at the billing rate associated with a selected one of said plurality of picture resolution formats.

Response to Arguments

11. Applicant's arguments with respect to claims **1-20,22-25, and 29** filed June 24, 2002, have been fully considered but they are not persuasive.

Applicant's Arguments

a) Kanota neither discloses nor suggests the feature of Claim 10 that claims decoded conditional access information "**comprises data used for determining display formats available,"** for recording video image material and/or reproducing video image material.

b) Kanota describes as where to put signals S1 and S2 for detection by copy protection detector 14... Copy protector 14, does not use S1 and S2 to, "adaptively selecting a format for displaying said video image information on a display in response to said decoded copy protection information" as claimed in Claim 1. The detector uses signals s1 and S2 to determine whether serial copies can be made...

c) Nothing in Bestler or shah-Nazaroff discloses or suggests, alone or in combination, the cited feature of "adaptively selecting a format for displaying said video image information on a display in response to said decoded copy protection information." Neither of the cited references, used by the Examiner have conditional access information comprising "data used for determining picture resolution formats available

for at least one of," recording video data, and/or reproducing said recorded video data. "Without this conditional access information, the operation of adaptively selecting a picture resolution format," (as recited in Claim 1) by the recited Bestler and Shah – Nazaroff combination is not possible.

d) Nothing in Bestler suggests or discloses the claimed feature of decoded conditional access information comprising data used for, "determining picture resolution formats available for," recording video image information and/or reproducing said recorded video image information."

e) Examiner wrote about that Knudson discloses the feature of, "interactive program guides that allow users to access television listings in different display formats," (column 1, lines 18-20). Applicant notes that this feature has nothing to do with, "display formats available for recording," video image information, as claimed in the Applicant's invention.

Examiner's Response

a) Kanota et al. discloses a copy control for a video signal with copyright signals superimposed as predetermined bits in the VBID data of the video signal. Specifically, Kanota et al. discloses "the identifying data (the A field) constitutes discrimination data relating to the picture signal transmission system wherein the first bit represents the

aspect ratio of the viewable picture that may be displayed from the video signal (e.g. an aspect ratio of 16:9 or an aspect ratio of 4:3); and the second bit indicates a standard system or a letter box system." (col. 14, lines 16-23, see also Table 2, where picture display format is clearly disclosed.

b) Kanota discloses that S1 and S2 are copy generation signals and depending on the display format, the copy generation signals are superposed in the VBI lines. Kanota suggests that the copy generation may vary according to display format. Depending on the display format chosen, the superposition of the copy generation of signals S1 and S2 is determined.

c) See rejection of claims 1(c) and (d).

d) see rejection of claims 1 (c) and (d), and rejection of claim 9.

e) The disclosure in Knudson has everything to do with display format for recording, because Knudson is concerned with copy protection, in parental-control information for example, before enabling recording of a selected program (see FIG.10). Knudson discloses confirmation of purchase without copy protection and then enables recording of the selected program. Argument therefore is not persuasive.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paulos M. Natnael whose telephone number is (703) 305-0019. The examiner can normally be reached on 6:30am -3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (703) 305-4795. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Paulos Natnael

April 1, 2003

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600